

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
45999-28002.00 (N12-01)

First named inventor: Thomas K. TCHENG

Application No: 10/072,669

Art Unit: 3762

Filed: February 5, 2002

Examiner: Scott M. Getzow

Title: RESPONSIVE ELECTRICAL STIMULATION FOR MOVEMENT DISORDERS

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

- ☐
- has been filed previously on _____
-
- ☐
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700.00

- ☐
- has been paid previously on _____
-
- ☒
- is enclosed herewith.

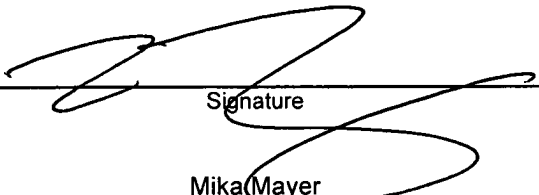
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: A statement in support of this petition is attached herewith.



Signature

Mika Mayer

Typed or printed name

May 11, 2006

Date

47,777

Registration Number, if applicable

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018

Address

(650) 813-4298
Telephone Number

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay - 2 pages

☒ Transmittal (1 page); Fee Transmittal + duplicate copy for fee processing (2 pages); Petition for Revival (2 pages); Part B- Fee(s) Transmittal + duplicate copy for fee processing (2 pages); Notification of Loss of

☒ Other: Entitlement to Small Entity Status (1 page); Return Receipt Postcard

Page 2 of 2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 534439280 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 11, 2006

Signature: 

(Georgina Matos)



PATENT
Docket No. 45999-28002.00 (N12-01)

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 534439280 US in an envelope addressed to: MS Petition Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: May 11, 2006

Signature: Georgina Matos

(Georgina Matos)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Thomas K. TCHENG

Application No.: 10/072,669

Filing Date: February 5, 2002

Title: RESPONSIVE ELECTRICAL
STIMULATION FOR MOVEMENT
DISORDERS

Examiner: Scott M. Getzow

Art Unit: 3762

**STATEMENT TO SUPPORT PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION**

MS Petition
P.O. Box 1450
Alexandria, VA 22313-1450

I, Benjamin D. Pless, state the following:

1. I am the Chief Operating Officer, Chief Technical Officer and a Board Member of NeuroPace, Inc., the company to which this application has been, or will be assigned. I am also a named inventor on the above-referenced application.
2. NeuroPace, Inc. employed an in-house patent attorney to manage our patent portfolio. His responsibilities included overseeing prosecution, or directly prosecuting, our patent matters. Our in-house patent attorney was responsible for directly prosecuting the above-referenced application.
3. It has just recently come to my attention that the above-referenced application was abandoned due to a failure to prosecute the application. This fact came to light after our in-house patent attorney departed, and our patent files were audited by outside patent counsel not associated with the prosecution of the above-referenced application.

4. The failure to prosecute the above-referenced application was clearly unintentional. I, and NeuroPace, Inc., intended that all actions associated with the above-referenced application would be timely taken, and that all fees due would be timely paid.

5. Because I, and NeuroPace, Inc., in no way intended to abandon the above-referenced application, or otherwise allow it to lapse, I have asked our outside patent counsel to take all steps necessary to revive it.

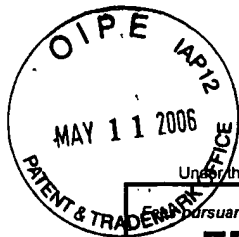
6. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application, any patent issuing thereon, or any patent to which this verified statement is directed.

By: Benjamin D. Pless

Signature: B. D. Pless

Date: 5-10-06



FEE TRANSMITTAL For FY 2006		Complete if Known	
		Application Number	10/072,669
		Filing Date	February 5, 2002
		First Named Inventor	Thomas K. TCHENG
		Examiner Name	S. Getzow
		Art Unit	3762
		Attorney Docket No.	459992800200 (N12-01)
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$) 1,500.00		

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 03-1952
Deposit Account Name: Morrison & Foerster LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						<u>Small Entity</u>	
						Fee (\$)	Fee (\$)
Fee Description							
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<u>Total Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>		
- =		x	=		<u>Fee (\$)</u>		<u>Fee Paid (\$)</u>
HP = highest number of total claims paid for, if greater than 20.							
<u>Indep. Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
- =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>		<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
- 100 =		/50	(round up to a whole number) x	=			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned...						1,500.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	47,777
Name (Print/Type)	Mika Mayer	Telephone	(650) 813-4298
		Date	May 11, 2006